

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ARVEN MALCOM, JR. ,)	
)	4:04cv3100
Plaintiff,)	
)	MEMORANDUM AND ORDER
vs.)	
)	
CHARLES A. WOOLDRIDGE , et al.,)	
)	
Defendants.)	

This matter is before the court on filing no. 195, the Motion for Summary Judgment filed by the remaining defendants, Reg Dallman, Colleen J. White, and Charles A. Wooldridge; and filing no. 211, the Application for Leave to Proceed In Forma Pauperis ("IFP") on appeal filed by the plaintiff, Arven Malcom, Jr. The plaintiff's Application for Leave to Proceed IFP on appeal must be denied because in filing nos. 213 and 214, the Eighth Circuit Court of Appeals has denied and dismissed the plaintiff's interlocutory appeal. Therefore, filing no. 211 is denied as moot.

The plaintiff shall have until April 28, 2006, to respond to the defendants' Motion for Summary Judgment by filing a brief and any applicable evidentiary support. Filing no. 195, the Motion for Summary Judgment is taken under advisement until after April 28, 2006.

SO ORDERED.

DATED this 27th day of March, 2006.

BY THE COURT:

s/Joseph F. Bataillon
JOSEPH F. BATAILLON
Chief District Judge